

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Attorney Docket No. 2006_1366A
Masaya YAMAMOTO et al.	:	<b>Confirmation No. 4375</b>
Serial No. 10/590,909	:	Group Art Unit 2431
Filed August 28, 2006	:	Examiner Longbit Chai
CONTENT PLAYBACK DEVICE	:	<b>Mail Stop: ISSUE FEE</b>

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**REQUEST FOR ENTRY OF AMENDMENT UNDER 37 CFR 1.312**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On January 19, 2011, Applicants note that an amendment under 37 CFR 1.312 was filed in the present application. In addition, on the same day as filing the amendment under 37 CFR 1.312, the issue fee was paid for the present application.

Applicants note that 37 CFR 1.312 states that “any amendment filed pursuant to this section must be filed before or with the payment of the issue fee...” (emphasis added). Also, MPEP 714.16 states that “an amendment under 37 CFR 1.312 must be filed on or before the date the issue fee is paid...” (emphasis added).

As explained above, for the present application, the amendment under 37 CFR 1.312 was filed with payment of the issue fee (i.e., on the date the issue fee was paid). As such, the timing of the amendment was proper according to MPEP 714.16 and 37 CFR 1.312.

In this regard, however, Applicants note that on January 27, 2011, a Response to Rule 312 Communication was mailed in which the Examiner checked box 1c, which indicates that the

amendment under 37 CFR 1.312 filed on January 19, 2011 has been disapproved because the amendment was filed after the payment of the issue fee.

As explained above, however, contrary to the indication in the Response to Rule 312 Communication, Applicants note that the amendment under 37 CFR 1.312 was not filed after the payment of the issue fee. Instead, the amendment under 37 CFR 1.312 was filed with payment of the issue fee (i.e., on the same date that the issue fee was paid), which is permitted according to MPEP 714.16 and 37 CFR 1.312. Thus, as indicated above, the timing of the amendment under 37 CFR 1.312 was proper.

In addition, in the Response to Rule 312 Communication, the Examiner has indicated that the amendment amends the specification to make reference to a priority application without good reason for the delay. In this regard, Applicants note that a Petition under 37 CFR 1.78(a)(3) for Unintentionally Delayed Claim of Priority was filed on January 19, 2011, and it was indicated in the petition that “the entire delay between the date that the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional”.

For the Examiner’s reference, Applicants note that a priority claim to U.S. Application No. 10/796,972 was made in International Application No. PCT/JP2005/003800, of which the present application is the U.S. national stage application. Indeed, it is noted that a certified copy of U.S. Application No. 10/796,972 is present in the image file wrapper of the present application.

In view of the foregoing, Applicants kindly request that the Examiner delay acting on the amendment under 37 CFR 1.312 until the Petition under 37 CFR 1.78(a)(3) for Unintentionally Delayed Claim of Priority is acted upon by the Office of PCT Legal Administration. If the Petition is granted, Applicants request that the Examiner enter the previously filed amendment

under 37 CFR 1.312 in order to provide the required cross-reference to U.S. Application No. 10/796,972, to which domestic priority has been claimed.

If the Examiner has any questions regarding the comments above, Applicants kindly request that the Examiner contact the undersigned at the telephone number listed below in order to resolve any further issues.

Respectfully submitted,

Masaya YAMAMOTO et al.

/Kenneth W. Fields/

By 2011.02.07 15:57:03 -05'00'

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February 7, 2011